

CMR

E D Pa AO Pro Se 14 (Rev 04/18) Complaint for Violation of Civil Rights

UNITED STATES DISTRICT COURT

for the
Eastern District of Pennsylvania

Case No.

19 4564

(to be filled in by the Clerk's Office)

Michael Holliday

Plaintiff(s)

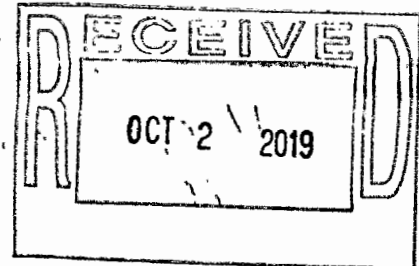
(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Prime CARE Medical
Berks County Jail System
KENNETH WLODZAWSKI
GABRIEL PELAEZ

SEE ATTACH PAGE Defendant(s) (PAGE 1A)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS
(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should not contain an individual's full social security number or full birth date, the full name of a person known to be a minor, or a complete financial account number. A filing may include only the last four digits of a social security number, the year of an individual's birth, a minor's initials, and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

The Clerk will not file a civil complaint unless the person seeking relief pays the entire filing fee (currently \$350) and an administrative fee (currently \$50) in advance, or the person applies for and is granted in forma pauperis status pursuant to 28 U.S.C. § 1915. A prisoner who seeks to proceed in forma pauperis must submit to the Clerk (1) a completed affidavit of poverty and (2) a copy of the trust fund account statement for the prisoner for the six-month period immediately preceding the filing of the complaint, obtained from and certified as correct by the appropriate official of each prison at which the prisoner is or was confined for the preceding six months. See 28 U.S.C. § 1915(a)(2).

If the Judge enters an order granting a prisoner's application to proceed in forma pauperis, then the order will assess the filing fee (currently \$350) against the prisoner and collect the fee by directing the agency having custody of the prisoner to deduct an initial partial filing fee equal to 20% of the greater of the average monthly deposits to the prison account or the average monthly balance in the prison account for the six-month period immediately preceding the filing of the complaint, as well as monthly installment payments equal to 20% of the preceding month's income credited to the account for each month that the balance of the account exceeds \$10.00, until the entire filing fee has been paid. See 28 U.S.C. § 1915(b). A prisoner who is granted leave to proceed in forma pauperis is obligated to pay the entire filing fee regardless of the outcome of the proceeding, and is not entitled to the return of any payments made toward the fee.

Defendants

PRime CARE Medical

Berks County Jail System

Deputy Warden Smith

Jesse Kinsh

GABRIEL Pelaez

Kenneth Wlozczewski

Officer Almquist "Country"

Officer Tassone

Officer Conrad

Sgt. Ackers

Nurse Leona

Officer Katwoski

11. Nurse Leona

Page 1A

Continued from Page 3A

Nurse for Prime Care Medical who dispenses
Methadone

3940 Locust Lane

Harrisburg, PA 17109

Individual & official capacity

12. C/O Katwoski

Guard for BCJS was in medical unit

1287 County Welfare Rd

Leesport, PA 19533

Official and Individual Capacity

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Michael "Mike" Holliday
HollidayAll other names by which
you have been known:

ID Number

BCJ # 2008-0808

Current Institution

Berks County Jail System

Address

1287 County Welfare Rd.

Leesport

PA

19533

City

State

Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

(See Page 2A) (See Page 3A)

Defendant No. 1

Name

Prime CARE Medical

Job or Title (*if known*)

Medical Department for Berks County Jail

Shield Number

Employer

Address

3946 Locust Lane

Harrisburg

PA

17109

City

State

Zip Code



Individual capacity



Official capacity

Defendant No. 2

Name

Berks County Jail System

Job or Title (*if known*)

Prison or County Jail

Shield Number

Employer

Address

1287 County Welfare Rd.

Leesport

PA

19533

City

State

Zip Code



Individual capacity



Official capacity

B. Defendant PAGE 2A

1. Prime CARE medical
Medical Department for Berks County Jail System

- 3940 Locust Lane
- Harrisburg, PA 17109
- Individual and official capacity

2. Berks County Jail System
Prison for Berks County.

- 1287 County Welfare Rd
- Leesport PA 19533
- Individual and official capacity

3. Kenneth Wlozowski

Doctor for Prime CARE medical

- 3940 Locust Lane
- Harrisburg, PA 17109
- Individual and official capacity

4. GA Briel Pelaez

Physician Assistant, Prime CARE medical

- 3940 Locust Lane
- Harrisburg, PA 17109
- Individual & official capacity.

5. Jesse Kirsh (Jesse Kirsch)

Physician Assistant, Prime CARE medical

- 3940 Locust Lane
- Harrisburg, PA 17109
- Individual & official capacity

(See Page 3A)

Defendant No. 3

Name
Job or Title (if known)
Shield Number
Employer
Address

Dr Kenneth Wlozrewski
Doctor working for Prime CARE medical
Prime CARE medical
1287 County Welfare Rd
Leesport PA 19533
City State Zip Code
☒ Individual capacity ☐ Official capacity

Defendant No. 4

Name
Job or Title (if known)
Shield Number
Employer
Address

GABRIEL PELAEZ
Physician Assistant
Prime CARE Medical, 1287 County Welfare
Leesport PA 19533
City State Zip Code
☒ Individual capacity ☐ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

- ☐ Federal officials (a *Bivens* claim)
☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

- (See page 1 F)
A) Right to medical care
B) Right to have access to grievance procedure
C) Right to be free of corporal punishment
D) Be treated impartially or justly
E) Free school abuse or harassment

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

PAGE 3A

Defendants Continued

6. Officer Amquist
 Correctional officer for Berks County Prison / Jail system
 Badge #
 - 1287 county welfare rd
 Leesport, PA 19533
 Official & Individual Capacity.
-

7. Deputy WARDEN Smith
 Deputy WARDEN Berks County Jail system
 BADGE #
 - 1287 county welfare rd
 Leesport, PA 19533
 Official & Individual Capacities
-

8. Officer Tassone
 Head of the Kitchen at Berks County Jail system
 BADGE #
 - 1287 county welfare rd.
 Leesport, PA 19583
 Official & Individual Capacities
-

9. Officer Conrado
 An officer that works in the DHU
 BADGE #
 - 1287 county welfare rd
 Leesport, PA 19533
 Official and Individual Capacities
-

10. SGT. Ackers
 The RHU Hearing Examiner. Runs the RHU
 BADGE #
 1287 county welfare rd
 Leesport, PA 19533
 Official and Individual Capacities

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed. (SEE PAGE 7A)

(SEE PAGE 9A)

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☒ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☐ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☒ Other (explain) Convicted and sentenced county inmate

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

SEE ATTACHED PAGES 1F - 4F and 4FQ, 3FA, 2FA

SEE PAGES 4A, 9A

DR. Kenneth Wlozczewski / Prime CARE Medical

Called me down to medical on August 21st 2018 at 8:15 - 9:00. Where he basically told me to stop

sending in Grievances and sick calls about my

Tachycardia Condition where I asked for my Metropol Medication I am prescribed on the home by Dr. Drivas and in the past Colucci Sports

Family Medicine. Asked me to follow him to a Courtroom once where I was roughed up and

Threatened. At another Incident on September 4th 2019. I was brought down to medical around

10-11 AM where I was once again Roughed up causing further injury to my Right foot by GABRIEL Pelaez and Doctor Wlozczewski. This left me frightened and weary about using the Inmate Grievance System

As I could see little if anything would be done and was told it was a "my word vs. Yours and I would not be believed". I have tried my Best to Recall

The discussions and what took place through some words are not actual verbatim, it is a pretty accurate description of the events and very close to what was actually said. I have been denied Treatment for my

Tachycardia condition for several months and continue to be denied. I have taken Metropol for several years now easily verifiable

When requesting Bottom Bank DOJ I had my foot stomped on by GABRIEL Pelaez and Agosin told to keep my mouth shut about it by Dr. Wlozczewski, I told I wouldn't be believed anyway. I have sent out several Grievances

Some have been returned others have not.

My Right foot is in Pain & probably Permanent Damage Done to it

C. What date and approximate time did the events giving rise to your claim(s) occur?

I have Attached All Events that are Relevant
to my claim along with Times that these events occurred
SEE ALL ATTACHED PAGES
1F-4F 4A, 2FQ, 3FQ, 4FQ

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

SEE PAGE 1F-4F AND PAGE 4A, 2FQ, 3FQ, 4FQ
Witness Jibriel PAGAN was present when I was
told Cream of Wheat was Gluten Free By
Chlo Almqvist by the Kitchen Staff who was working on
Behalf of the Prison.

V. Injuries

Witness - Jibriel PAGAN - ANTHONY Line memo - PAGE 10Q
Officer Shoellenberger - Nurse Liz (the white one) ^{witness} PAGE
Nurse LEONA

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive. SEE PAGE 1F-4F PAGE 4A

My Right Foot is now severely DAMAGED AS A RESULT
of The INCIDENT discussed on PAGE 4F Section C
I continue to suffer with Anxiety and sleep
Heart Rate since I have been Confining to this
day 9-13-19 Prisoner Reminds my Melancholy.

VI. Relief

I have also Suffered Cruel and Unusual Punishment
and Indifference to my Medical Diet by being told
Cream of Wheat is Gluten Free I am Sick. (SEE PAGE 5A)

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes.
If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for
the acts alleged. Explain the basis for these claims. SEE PAGE 6A Relief, opposite + PAGE 5Q

I Am Requesting An Amount of \$250,000 as a Result
of physical Damages that will Render me incapable
of performing my previous work Duties. As a Result
of Injuries to my Right Foot - Injuries, Stress, and
discrimination due to my Sexual Preference, Religion, and
The Jail Providing me what they called a Gluten
Free Diet yet it Contains Gluten.

\$75,000 From DR. Wlozowski \$50,000 From ~~DR. Wlozowski~~ ^{DR. Wlozowski}
\$50,000 From Gabriel Pelaez \$25,000 From ~~DR. Wlozowski~~ ^{DR. Wlozowski}
\$50,000 From ~~DR. Wlozowski~~ ^{DR. Wlozowski}

PAGE 6A Relief SEE PAGE (SQ Relief Summary)

My Right Foot has been irreparably damaged

I will now be unable to perform my previous work duties and will also have to pay for medical costs suffered as a result...

I was kept off my Tachy Cardiac Medication AND AS A RESULT have suffered undue stress and ANXIETY for several months. Now with no alternative treatment AS I WAS TAKING Metoprolol for years prior to my incarceration

This has most certainly increased my risk for an early ~~heart attack~~ heart attack or further problems. When I went to the doctors Dr. Abdul, Jesse, and Dr. Ken I was ridiculed, called a liar and ultimately threatened and intimidated and literally told "Holiday get the fuck out of medical and ~~stop~~ the ~~grip~~ Grievances or we can make your life hell." I went to go speak to a

(9-13-19)

Afternoon meeting

← SGT BROWN on "I" block and he told me "go away where to" When I asked Jesse for help he said "Holiday you are a fucking weirdo, do you really think anyone will believe anything you say, just look at yourself." I know I have problems but I deserve to have my medical needs met and not be bullied and treated with some level of respect and dignity.

So, I DO ASK for Damages for future medical bills lost wages and amounts from Berks County Jail and Prime Care Medical for creating this Bully Environment where people that are a bit different are treated with such Indifference.

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Berks County Jail System

- B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

- C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☒ Yes

☐ No

☐ Do not know

If yes, which claim(s)?

I put in several grievances most I received a response some I have not. I have been threatened and even assaulted and told nobody will believe me, but I have used the procedure as best as I could.

PAGE 5 of 10

A) I have taken Metoprolol or Propranolol, or Lopressor for several years Because I suffer with Tachy CARDIA. I have been denied my Tachy CARDIA medication or an Alternate treatment This has left my Tachy CARDIA to go unchecked for several months now causing unnecessary damage and stress to my heart which has undoubtedly increased my Risk for heart Attack or Stroke and probably shortened my life, which could have been prevented had The Doctor at Primecare Medical simply provided me with my Tachycardia medicine or some other treatment on 9-15-19 got dizzy, felt cold spot in Head PASSED OUT

B) When Requesting a lower bunk DO5 Gabriel Pelaez ~~stomped~~ stomped on my right foot causing damage that will effect my ability to perform previous Job duties and will have to be treated.

Left
C) My ~~Right~~ hand was given an X-RAY and shown to have a metal object ~~that~~ that was foreign to be lodged it is 9-13-19 still have not Received medical treatment
*UPDATE - 9-27-19 - I have seen outside specialist *

D) I Now am afraid of Authority Figures and no longer Trust my Doctors or Medical Staff and Am more likely to keep future Medical Issues to myself especially in the Jail.

E) on Sept. 23rd 2019 WAS Given a 100 mg Dose of Another Benadon Methedone. which is potentially deadly for somebody suffering with Tachy CARDIA and especially since my dose is only 16 mgs. I had a Convulsion Perhaps a Stroke. I have Stroke like symptoms. Badly on 11-10-19

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☐ No

- E. If you did file a grievance:

1. Where did you file the grievance?

Berks County Prison or
Berks County Jail System

2. What did you claim in your grievance?

I have saved all copies of Return
Grievances I will be included

3. What was the result, if any?

I Repeatedly Filed Grievances being
Denied my resolution and as they
on my first after the President
It Really Didn't have much of an impact

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

I Appealed Multiple Grievances and
I have saved the Responses I
did get back

(SEE PAGE VII-E)
(SEE ATTACHED GRIEVANCES)

D. (Section 1983 allows defendants to be found liable only . . .)

I.) Prime care medical is a private company contracted by Berks County Jail System to treat inmate health needs

II.) Berks County Jail System is the jail owned by Berks county to house inmates

III.) Dr. Kenneth Wloaczewski is a Doctor working for prime care medical at Berks County Jail

IV.) P.A. Jesse King is a Physician Assistant also employed by prime care medical to

treat inmates housed at Berks County Jail

V.) P.A. GABRIEL Pelaez is a Physician Assistant working with Dr. Wloaczewski and P.A. King treating inmates at Berks County Jail. AS An Employee of Prime Care Medical.

VI.) C/O Almqvist is an officer employed by BCS

VII.) C/O Carras is an officer employed by BCS

VIII.) Officer Tassone is in charge of the kitchen at BCS and controls what goes in a diet.

IX.) Deputy warden Smith is a Deputy warden of BCS and knew about my Tachy Cardia

Condition, yet failed to intervene or make sure that Primecare medical staff or doctors had the proper information since I provided my doctor name and location of his office and medical records could have easily been obtained

(See Attached Affidavit) (Also PAGE 3 FGA)

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

I was Threatened and Attacked

For Filing grievances and I still files

then any ways now the Jail seems to
not want to Return them.

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

I Informed Officer Shollenberger when

I got out of Disciplinary Because I

Know I can Trust Officer Shollenberger
He is Genuinely A Good Guy. On E-Block

- G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

I would Attach All Relevant Evidence
or mail them to your Court.

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies)

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

I believe I am under imminent danger of serious physical injury
To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

- ☐ Yes Because I am still being denied my medical necessary
medication to this day (9-13-19) and remain to be ongoing
☒ No issue which could cause me heart Attack or Stroke due to
Rapid heart Rate condition that continues to go untreated
(See page 2 FQ)

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

PAGE VII E

I Filed multiple Grievances Regarding these matters with only A few Returned Response and NO Relief.

Berks County Jail System Fosters AN Environment of Fear and Intimidation, They ALSO Abuse those who they feel They can get away with such as, Inmates in PC, Disciplinary, Mental Health, Females, and Homosexual or LGBT INMATES. - Inmates know they will Be Punished for creating an Inconvenience. At Times The Jail has been known to recruit The Bigger Meaner Inmates to do the dirty work to spread Fear and Intimidation while housed on "H" unit one of the Book workers Ran into my cell told me "You Better Stop going to Medical if you know what is good for you" Then punched me in my side.

IN this Jail it is Best Not to Mention this to the Guard because, well, that is exactly who sent the inmate into my cell, or at least it seemed this way. ~~Now~~ Why else would he care that I go to medical?

Dr. Wloaczewski, or the warden has this guy Gabriel "Gabe" Pelaez working for the medical Team now. It is fairly new but from what I witnessed it appears he is some kind of Enforcer. I have been Threatened By him and Assaulted two times now. I Asked C/O Shollenberg for help because I don't know who else to turn to. Grievances have done Nothing or have Not been Returned. Jail Has Been known to punish Inmates who create waves even with food.

- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s)

Defendant(s)

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition.

7. What was the result of the case? *(For example. Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

Injuries, Color of Law, Claims and Damages

1.) Berks county Jail system -

They are Responsible for housing Inmates

Jail is Run by Fear and Intimidation

2) Prime care medical

They are contacting to Take care of Inmates medical needs

3) Kenneth Wloczewski - Prime care Medical Doctor.

Intimidation, Indifference to Medical Needs,
Sexual Harassment, discrimination

Fostering an Environment of Fear and Intimidation

4) GABRIEL Pelaez - Prime care Medical - P.A.

- See Wloczewski

Pelaez seems to operate as DR KENS ENFORCER

discouraging Inmate from seeking Medical care
Probably to save Jail time and money

5) Jesse King - Prime care medical P.A.

Pretty much the same as 3 & 4

He made, ridiculed, and caused me
not to be able to discuss my health

Grabe & Jesse compliment each other and act in
concert to discourage medical complaints

6) Deputy Warden Smith - BCS

He knew about this situation yet did nothing

About it and ultimately it falls on him he allows
for this sort of hostile Environment to flourish

7) C/O TASSONE - BCS

Provides the Docs

8) C/O Almqvist - BCS

AN Extension of D. W. Smith and acts as
another Enforcer type preventing me from
getting my Special Diet

9) C/O CONTRA BCS

Much like C/O Almqvist CONTRA is what is
known as a Bully, picking on the weak

Does not like white muslims and punishes
Inmates for it

E D Pa AO Pro Se 14 (Rev 04/18) Complaint for Violation of Civil Rights

☐ Yes☒ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

PAINE to a List of witnesses

1) ANTHONY LINEWEAVER

Witnessed Nurse Leona give me his too mg
Dose of Methadone when I should have only
got 1/2 mg. Also, SAW that when I
Returned from the 24 hour medical observation
Told me "Are you ok? It seems something
happened to you, you just don't seem like yourself."

2) Jibrael PATEL -

Witnessed Clo August call Witcher to
Ask If Cream of Wheat was Gluten Free
They told him it was, which was not true

3) Shallen boger.

Clo whom I Confided in about being
Physically Assaulted by "Gabriel Pelaez
and Threatened by Ron Wlozowski"

4) Brenda AT New Directions Methadone
Nurse who I overheard Nurse Leona discussing
how to respond to my being given too mg
of Methadone

5) The White Nurse Liz.

Witnessed me being treated after Nurse Leona
gave me a fatal Dose of Methadone
lethal

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

9-17-19

Signature of Plaintiff



Printed Name of Plaintiff

Michael Holiday

Prison Identification #

2008-0808

Prison Address

1287 County Welfare Rd.

Leesport

City

PA

State

17533

Zip Code

B. For Attorneys

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address

1.) NURSE Leona - Nurse working for Prime Care Medical
This nurse works in the Medical Department
Showed Indifference or Gross negligence by ..
accidentally giving me another inmates dosage
Dose of Methadone, when I am only on 15mg.
For somebody suffering with untreated Tachycardia
This could potentially be fatal even with a
Patient who does not suffer from Tachycardia

2.) C/O Katwoski - Officer Employed by
Berkes County Jail System
he was working in the Medical Unit and
was tasked with watching inmates in observation
on his watch I suffered a seizure, convulsion,
or what was most likely a stroke. and he
left me to lay there and did nothing but
call me a "drunk and liar" This happened
on Sept 23, 2019. My symptoms are still
present on Sept 27, 2019 and I still have
not been given a CATScan or an MRI to
determine if I have suffered brain damage.

MICHAEL J. HOLLIDAY

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT PENNSYLVANIA

PLAINTIFF

CIVIL DIVISION

VSS

1. Kenneth Wloczewski DR.

DOCKET #:

2. Gabriel Pelaez P.A

JURY TRIAL DEMANDED

3. Jesse Kirsh P.A. / Nurse Leona

4. ~~Officer Mendenhall~~ Officer Almquist

5. ~~Officer Conrad~~ Officer Tassone

(THEIR INDIVIDUAL AND/OR OFFICIAL
CAPACITIES)

6. Deputy Warden Smith / Officer Conrad

7. Prime Care Medical / SGT. Ackers

8. Berks County Jail System / Officer Katwaski

1983 CIVIL ACTION COMPLAINT

Jurisdictional Statement:

Under 42 U.S.C. 1983, you may sue State or Local Officials for the deprivation of any rights, privileges, or immunities, secured by the Constitution, and [Federal Laws]

I. Parties

Plaintiff: Michael J. Holliday

Defendants: Prime Care Medical

Berks County Jail System

Dr. Kenneth Wloczewski / Nurse Leona

Gabriel Pelaez P.A. / Officer Katwaski

Jesse Kirsh P.A.

~~Officer Mendenhall~~ Officer Almquist

~~Officer Conrad~~ Officer Tassone

Deputy Warden Smith

Officer Conrad / SGT. Ackers

Violation Of Rights:

- A) Right to Medical Care
- B) Right to have access to grievance procedure
- C) Right to be free of corporal punishment
- D) Be treated impartially and justly
- E) Free Sexual Abuse or Harrassment

II. Exhaustion of Grievance System:

I have copies of several grievances and appeals to the grievances. I was even assaulted and threatened for using the grievance system. There are a few grievances I never got a response on.

II. FACTS

- 1) ALL Parties acted under color of law at all times relevant to the complaint.
- 2) ALL Parties acted outside their scope of duty.
- 3) ALL Parties acted in concert.

FACTUAL ALLEGATIONS:

A) On June 21st, 2019, I was incarcerated at Berks County Jail System in Leesport, PA in the County of Berks. Sometime that evening I talked to a Nurse who worked with the Medical Department (PRime Care Medical Inc) who's job it was to admit new inmates. I explained to this nurse that I have to take Metropolol for tachycardia, my ankle is swollen and I am having trouble walking around and would require a Bottom Bunk DOJ. That I take Methadone at New Directions Treatment in West Reading, PA. That I have a bladder condition where at times I a have trouble with urinating and require catheters (French 14 size). That I also have a metal object lodged in my hand that needs to be addressed. I told this nurse that they can verify all this information through my Doctor at Arias Clinic at 525 Penn Street Reading Pa. Dr.Arias.

B) On June 25th, 2019, I was found guilty for "failure to Provide Urine Specimen". Because I was unable to urinate, due to my condition with my bladder. I was given 15 days in RHU(Disciplinary Unit).

C) On July 3rd, 2019, because I still have not been provided with my catheters for urinating and still not given Metropolol for my tachycardia condition, nor the DOJ I required for the Lower Bunk. All my sick calls were starting to be ignored, I decided to submit a Grievance.

D) On July 12th, I was brought down to medical to talk with a Gabriel "Gabe" Pelaez P.A. I notified Gabe that I was supposed to be taking Metropolol for Tachycardia and required the use of catheters for a bladder condition (Urine Retention) at times. I also discussed with him how I was having trouble getting in and out of the Bunk and would require a lower bunk DOJ. I discussed with him my Need for a Gluten Free Diet at this time, that I get acid reflux and throw up if I eat too much wheat products or gluten products.

E) At this time I was continuously being interrupted by Jesse Kirsch P.A. where he kept making statements such as, "Bullshit Holliday" and, "Yeah Right" in a high pitched tone. Creating a situation where I could no longer discuss my medical concerns and an argument ensued. Dr. Pelaez told me he needed me to sign a release form to get my records from DR.Arias at 525 Penn Street in Reading , pa, and Rite Aid on Penn Street in Reading, PA.

F) I still have not gotten my catheters or Metropolol. I have taken Metropolol for several years now. Prescribed by Doctors at Cocalico SPorts Family Medicine in Adamstown, PA and Dr.Arias in Reading. For Tachycardia. A condition where your heart rate is too fast.

G) ON August 15th 2019, I noticed my left hand begin to swell and my arm turn red and discolored, so I submitted a sick call slip. The next day I was stopped in the medline by the Nurse Margaret who began to loudly discuss my hand in front of all the inmates.

H) ON AUGUST 19th, 2019 I WAS given an XRAY of my hand where they found a foreign metal object lodged in my hand as the source.

Today is 9-25-2019, I have been incarcerated at Berks County Jail since June 21st 2019. This entire time I have consistently complained to jail staff aswell as the Medical Department(Prime Care Medical) about my Tachycardia Condition, and the need for Metropolol. Since the time of my incarceration I have been denied Metropolol and have continued to be denied this medication . I have written multiple sick calls

several greivances, to no avial and I have been mocked, threatened, assaulted, and intimidated and told to keep my mouth shut. For the past 3 months I have experienced extreme rapid heart beat, chest pain, high and low blood pressure. I can tell I am not well and myu health is in decline. I am concerned about suffering a heart attack or a stroke .

as a result of being denied this medication not to mention the damage that continues to be caused as long as I am being denied this medicine while I am in this jail under the Medical Supervision of Prime Care Medical and Berks County Jail System.

On September 15th, 2019, I got up to get a glass of water sometime late after lights out and I got really light headed and dizzy, and noticed a buzzing type sound, along with a cold feeling in my head.

A passed out and woke up later on at breakfast time to the door lock popping open. I notified jail staff along with the medical department they have yet to have followed up to my complaint.

On September 23rd, 2019 , I was given a lethal dose of methadone, which is an act of gross negligence on the part of the medical team, seeing as how I only take a 16 milligram dose of methadone and the dose I was given was 100 mgs, an amount that could have potentially killed me.

I was placed upstairs in Medicals "O unit" , usually reserved for suicide watch inmates, but I was placed there and suffered what I believe to have been a seizure. I got really light headed, and lost control as the whole room began to shake, I fell out and woke up hours later o what felt like hours later as I was unaware of the time. This was witnessed by a C/O Katowski, who told me , "You are a liar and a dick!"

After this incident I noticed much of the same symptoms as I had days prior began to return or appear worse. My arm is even weaker than it was the last time I experience something similiar. My speech has gotten much worse, it is even more difficult to form sentences and thinking is a task in itself. Performing the most mundane or basic tasks is a struggle.

I believe that the combination of being denied my tachycardia medication (metropolol) along with being given this dangerously high dose of methadone (100 mgs when I only take 16 mgs) has caused me to suffer some kind of seizure or stroke that has in turn caused me some kind of Brain damage.

I am requesting the courts emergency intervention, as my symptoms are only getting much more severe. I am in dire need of being placed back on Metropolol for tachycardia, and being given an MRI or Catscan to find out what damage, or damage is being done to my brain, as a result of the lack of medical treatment I have received here at the jail.

I also need an XRAY on my right foot, because I have been having difficulty walking after DR. Pelaez stepped on my foot.

I) I noticed on August 20th my whole arm become red and my hand swell up, and I notified C/O Mendenhall and requested to go to medical. He refused to even call the Medical Department, let alone call them to make them aware of my situation. This happened at night Rec.

J) On August 21st I was called down to medical 8-21-2019, at about 8:15-9:00. I was called down to speak with a Dr. Kenneth Wloczewski. He told me to stop putting in sick calls and grievances. Asked me if I was really a gay muslim. Then told me that he didn't think muslims liked gay people, and said something along the lines of "I wonder how the other muslims will feel about your previous homosexual lifestyle?" Then told me unless I wanted them to find out about it that I stopped putting in sick calls and grievances about the Metropolol and whatever else it was I had been complaining about. He then threatened to "Put your faggot ass in there with Peaches, and let him have a go with ya." (This guy peaches is a well known big gay guy that was in the jail and beat up his celly and raped him) The jail has been known for placing inmates in cells with people that they know they will have problems with as a form of punishment or retaliation, so I did not perceive this to be an idle threat.

After making this threat, Dr. Wloczewski lead me into an area with curtains (Examining area with a bed) and called over Gabriel "Gabe" Pelaez and told him "This guy Holliday has been giving us trouble. Show him what we do to fags that give the medical team trouble". He then proceeded to draw the curtains as Gabe Pelaez sucker punched me in my face. I was in shock.

After this Dr. Wloczewski sent me back to the block and said, "You better not be giving medical no more problems." After telling me that if I mention the incident it will only cause me trouble as I will not be believed. I have reported this to a few C/O's that I trust not to retaliate or cause me trouble. I discussed this on 2 occasions with C/O SHollenberger. I put in a grievance and wrote the warden and I am waiting the response.

K) After this incident, I am weary to put in any further grievance, and decided to do so anyways on 8-23-2019. I still have not received a response.

L) on August 24th, 2019. I told Officer Reyes my ankle was swelling up after walking around the yard. He sent me along to medical. I showed the nurse down there, this was about 5-6 PM on my way out of medical an officer called me to stop and had me sent to the Disciplinary Unit. I was placed in a shower. I was told to strip down I got out of the shower to inspect my property. I asked where my Quran was at. Then the Staff's whole demeanor changed up on me C/O Conrad said, "A White Muslim? What The FUck?" They had me walk to my cell and on the way I heard C/O Conrad say, "This guy is a white Muslim, make sure he don't get a mattress". In the DHU they will take your mattress, but only if you are a trouble maker. These guys took my mattress for being a white muslim. I also believe officer conrad may have taken my or some of my grievances.

PAGE 3F Q

ON ABOUT 8-30-19, I RECEIVED A RESPONSE
TO MY ONE GRIEVANCE STATING BY DEPUTY
WARDEN SMITH THAT RITE AID ON PENN
STREET AND ANDERSON PHARMACY WERE
BOTH CALLED AND I SUPPOSEDLY DON'T TAKE
OR HAVE A RECORD OF THIS MEDICATION METROPOLO
THIS IS OBVIOUSLY AN ERROR AND COULD HAVE
EASILY BEEN VERIFIED, EITHER BY CONTACTING
MY DOCTOR "DR. ARIAS", OR BY REQUESTING
PHARMACY RECORDS FOR THE PAST 12 MONTHS.

I HAVE NO REASON TO MAKE THIS UP.

THE DEPUTY WARDEN SHOULD HAVE TAKEN
MORE INITIATIVE AND CONTACTED MY DOCTOR OR
THE PHARMACY. RATHER THAN JUST COMPLETELY
RELYING ON PRIME CARE MEDICAL, ULTIMATELY
BERKE COUNTY JAIL IS RESPONSIBLE FOR
MY WELL BEING.

PAGE 4F

M) On August 31st, 2019, At dinner meds I complained to Nurse Kyle about my swollen ankle that I have been complaining about for weeks now and have still not seen the doctor for. I attempted to explain to him how this maybe a result of me not getting my: Tachycardia Pill (Metropolol) like I should have been getting. I tried to explain to him how the last time I stopped taking this pill I wound up in the hospital. He said, "That's a bunch of bullshit". "I know who you are and I don't care", and then he slammed the slot shut in my face. I also put in a grievance about my ankle on August 29th 2019.

N) ABOUT September 3rd or 4th they forced me to share a cell with another inmate who also had a bottom bunk DOJ. We had to fight over who got the bottom bunk and we were made to share a cell for at least 2 days.

O) On September 4th 2019, I was called down to medical from the Disciplinary Unit (RHU) around 10-11:00 AM, I was asked to step behind the curtain by DR. Gabriel Pelaez, "What did Dr. Wloczewski tell you?", Gabriel Pelaez said, "Which foot is it?" I pointed to my right foot at which point DR. Pelaez proceeded to stomp really hard on my right foot, then told me, "There you want the bottom bunk there's your bottom bunk DOJ". At this time I told Dr. Pelaez that I am not gonna put up with this you really hurt my foot, I am going to the LT. Castro. Then "Gabe" Pelaez called DR. Wloczewski into the curtained area and DR. Wloczewski said, "Holliday, what did I tell you? You going to tell? GO For it. Who do you think will be believed? It will be medical staff's word versus yours, Now get the fuck out of here and if you breath a word about this to anyone we can make your life a living hell!"

P) On September 4th, 2019, while I was in RHU there are these really loose metal pipes that are in the corner of the cell I was unable to sleep all nite long as the inmate below me kept shaking the metal pipe. In fact, on a previous visit to the RHU I was in a cell on the lower tier and there was another metal pole in this cell also, where the inmate in the cell above me would shake the pole and make it "Rain" urine down through the crack around the pole. This urine was leaking down all over me as I slept. I told C/O Conrad and he told me, "Shut up ,Holliday, quit your bitching, this is all just apart of being in Delta(RHU)". So , apparently having Urine made to "Rain" on you as you sleep i all just a part of the experience, according to this guard .

T) Today is September 19th 2019, I still have not been seen for the incident on September 15th, I put in a sick call days ago. I brought this up to the night med nurse on med pass and she said "Now is not the time or the place to discuss this". I have not been feeling well for the past few days. My left arm is weak feeling and I have been having trouble forming proper sentences and even have been slurring my words. I fear as a result of not being given my Metropolol medication that I have taken for Tachycardia for years that I may have suffered a brain injury. I am requesting the courts immediate intervention to get put back on Metropolol and be given an MRI or CATSCAN to find out if I have indeed suffered a stroke.

(September 15th 2019, Passed out after becoming dizzy after lights out didnt wake up until breakfast time hours later, havent felt

Q) On September 12th, 2019. I went down to get my Breakfast Tray on "I Block" I am on a Gluten Free Diet for a Medical Condition. C/O Almquist was working the block. There was Cream of Wheat on my tray which I believed to contain Gluten. I pointed this out to C/O Almquist and he said, "Holliday, what the fuck do you want?" He called the Kitchen and asked, "Does Holliday get a Gluten Free Diet?", then he hung up the phone and told me to do what I got to do, "I dont give a fuck." The C/O should have told the kitchen there was Cream of Wheat on a Gluten Free Tray, but instead I was lead to believe it was ok for my diet, when in fact it was not. I wound up getting very ill that day and into the next morning, because I thought maybe it is Gluten Free after all and wound up eating some of it.

The kitchen staff should know what is supposed to be on my diet tray, and make sure to give me the proper meal and the C/O on my block shouldn't show such indifference and disregard for my medical needs. I do have a grievance I wrote up for this incident, but I am very hesitant to turn it in, due to my prior experiences and my knowledge that Berks COUNTY Jail is known for using inmate food trays as a form of punishment or leverage and the fact I have a medically necessary diet with my name on it, I am afraid to file it at the moment. I fear retaliation, like before.

R) On, September 23rd 2019, at around 8:00-9:00 AM I was called down to medical and I signed for my methadone dose. Nurse Leona was the nurse dispensing the Doses on this day. It seemed like my dose was alot stronger than usual. When I got back to I-Block my celly Inmate Lineweaver told me that the nurse made a mistake and gave me his dose instead of mine. I asked him how much his dose was and he told me it was 100 Mgs. I only take 16 mgs right now, so this is a lethal dose for me to take. I began to notice that I felt lethargic and very tired. I started to fall out of the chair I was sitting in and I did not feel normal. I was nodding out. The Medical department placed me in an observation cell with a camera. I told C/O Katwoski that I wasn't feeling good. Then I felt a pain in my head and a ice cold feeling and I got very dizzy and everything began to shake. I woke up on the ground in my cell 0-220, and wiped foam off my face. C/O Katwoski witnessed this happening to me, and when I told him what was going on he said, "You're a liar and a dickhead". I told several C/O's and Nurses about this. I told Jesse Kirsch, nurse maggie, C/O Hoffman, My symptoms include; my arm is feeling weak, my coordination and balance is off, my words are slurring, and I am having trouble forming sentences. I believe that I may have suffered some brain damage as a result of this incident, and I strongly feel that the jail should pay for me to have an MRI or Catscan to find out if there is something going on in there, maybe a stroke or something, as a result of todays incident.

S) Prime Care Medical, is completely aware that I have Tachycardia, they have denied me my medication (Metropolol) from the very beginning of my incarceration. Now they have given me another inmates methadone dose, 100 mgs which can be a fatal dose, when my regular dose is only 16 mgs. It is not unusual for a person who accidentally takes such a high dose to suffer seizures and the medical department has ignored my symptoms. Do to their gross negligence, I have suffered irreparable damage. I feel like my level of intelligence has decreased Recently I was on the presidents list at RACC and had a 3.9 GPA at this time I very much doubt I would be able to continue this GPA after the damage that was done as a result of being given way too much methadone.

PAGE 5Q (Relief and Damages in Summary)

1. Since my incarceration I have been continuously denied Metropolol a medication that I have taken for several years, prescribed by Dr.Arias and Dr.Giedell before him.

2..I have put in several grievences requesting to be put on this medication that I was getting for treatment of Tachycardia.

3. I was threatened and assaulted and warned to not put in any further grievances or sick calls.

4. I have suffered anxiety and chest pain daily as a result, and I have even gotten dizzy and fainted waking up hours later, and told the medical team , and was met with silence as my complaint went ignored.

5. Dr.Pelaez has punched me, and even stomped on my right foot, which is still in pain to this day.

6. All this has culminated in what I believe to have possibly been a mild or moderate stroke on September 23rd 2019, the day that Nurse Leona accidentally gave me a 100 mg dose of methadone, when I only am supposed to get a 16 mg dose at this time. New Directions Clinic , along with Jesse kirsch are aware that this happened as New Directions was called to ask for advice after the incident.

I was placed in cell 0-220 where C/O ^{Katwoski} ~~Katowski~~ witness me having convulsions or "seizing out" and left me to lay there for an undetermined amount of time, after which he came to my cell and said " Are you threw now you dickhead...i believe you are a liar " ..

7. As a result of this incident my left arm has become weaker, my speech has become slurred, and I feel I am having a hard time forming sentences and trouble performing basic tasks that I once could do with ease. I feel a bit offbalance in my coordination, my gait.

8. I am asking to be given an MRI or GatScan, to be placed back on my Tachycardia medication and given an EKG. I need the courts immediate intervention as I feel that my health has been in a steady decline, since I have been in this Jail and denied my Tachycardia Medication Metropolol.

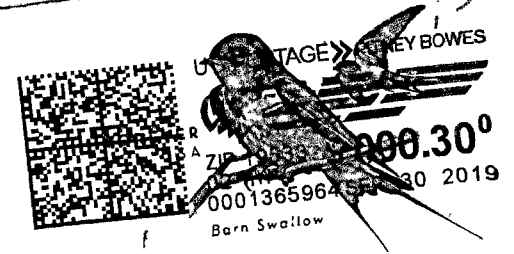
9. I am requesting for Damages in the Amount of 500,000 Dollars.

Dr.Wloczewski - 100,000
Gabriel Pelaez - 100,000
Jesse Kirsch - 100,000
D.W. Smith - 75,000
SGT. Ackers- 25,000
Officer Conrad - 25,000
Officer Almquist- 25,000
Officer Katwoski - 25,000
Officer Tassone - 25,000
Nurse Leona

Damages Are related to Pain and Suffering, FUture Lost Wages, Medical Bills, and whatever else the court deems necessary.

Name Michael Holliday
CP# 2008-0808
Housing Unit R 202
Berks County Jail System
287 County Welfare Rd
Leesport, PA 19533-9397

U.S.M.S.
X-RAY



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